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206-309  
OCT 18 2006

BY Mr

Eureka Builders 184, LLC

See attached Exhibit "A"

## EXHIBIT "A"

### LEGAL DESCRIPTION

The North 163.16 feet of the Northwest  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$  of the Southeast  $\frac{1}{4}$  of Section 31, Township 55 South, Range 40 East, less the West 35 feet for Right-of-Way and less South 75 feet of West 155 feet excluding West 35 feet for Right-of-Way thereof, lying and being in Miami-Dade County, Florida.

Folio #30-5031-000-0280

The South 75 feet of the West 155 feet of the North 163.16 feet of the Northwest  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$  of the Southeast  $\frac{1}{4}$  of Section 31, Township 55 South, Range 40 East, less the West 35 feet for Right-of-Way, lying and being in Miami-Dade County, Florida.

Folio #30-5031-000-0281

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ZONING HEARINGS SECTION  
MIAMI-DADE PLANNING AND ZONING DEPT.

BY



**6. ADDRESS OR LOCATION OF PROPERTY** (For location, use description such as NE corner of, etc.)

18201 SW 112 Avenue and 18251 SW 112 Avenue, Miami, FL

**7. SIZE OF PROPERTY** (in acres): (+) (-) 1.25 (divide total sq. ft. by 43, 560 to obtain Acreage)

**8. DATE** property acquired ☒ leased ☐: 4/2006 **9. LEASE** term: N/A years  
(month & year)

**10. IF CONTIGUOUS PROPERTY IS OWNED BY THE SUBJECT PROPERTY OWNER(S)**, provide complete legal description of said contiguous property.

N/A

**11. IS THERE AN OPTION** to purchase ☐ or lease ☐ the subject property or property contiguous thereto? ☐ yes ☒ no (If yes, identify potential purchaser or lessee and complete 'Disclosure of Interest' form)

**12. PRESENT ZONING CLASSIFICATION:** AU

**13. APPLICATION REQUESTS:** (Check all that apply and describe nature of the request in space provided). (DBC's require special exception to permit site plan approval unless rezoning 3 acres or less to residential categories).

- ☒ District Boundary Changes (DBC) [Zone class requested]: RU-3M
- ☐ Unusual Use: \_\_\_\_\_
- ☐ Use Variance: \_\_\_\_\_
- ☐ Alternative Site Development: \_\_\_\_\_
- ☐ Special Exception: \_\_\_\_\_
- ☐ Modification of previous resolution/plan: \_\_\_\_\_
- ☐ Modification of Declaration or Covenant: \_\_\_\_\_

**14. HAS A PUBLIC HEARING BEEN HELD ON THIS PROPERTY WITHIN THE LAST YEAR & A HALF?** ☐ yes ☒ no

If yes, provide applicant's name, and date, purpose and results of hearing, and resolution number:

**15. IS THIS HEARING A RESULT OF A VIOLATION NOTICE?** ☐ yes ☒ no

If yes, give name to whom the violation notice was served: \_\_\_\_\_

and describe the violation: \_\_\_\_\_

**16. DESCRIBE STRUCTURES ON THE PROPERTY?** Single family residence

**17. IS THERE ANY EXISTING USE ON THE PROPERTY** ☒ yes ☐ no. If yes, what use and when established?

Use: Single family residence Year: 1958



### APPLICANT'S AFFIDAVIT

The Undersigned, first being duly sworn depose that all answers to the questions in this application, and all supplementary documents made a part of the application are honest and true to the best of (my)(our) knowledge and belief. (I) (We) understand this application must be complete and accurate before the application can be submitted and the hearing advertised

### OWNER OR TENANT AFFIDAVIT

(I) (WE), \_\_\_\_\_, being first duly sworn, depose and say that (I am) (we are) the ☐ owner ☐ tenant of the property described and which is the subject matter of the proposed hearing.

\_\_\_\_\_  
(Witness Signature)

\_\_\_\_\_  
(Print Name)

\_\_\_\_\_  
(Witness Signature)

\_\_\_\_\_  
(Print Name)

\_\_\_\_\_  
(Applicant's Signature)

\_\_\_\_\_  
(Print Name)

\_\_\_\_\_  
(Applicant's Signature)

\_\_\_\_\_  
(Print Name)

Sworn to and subscribed to before me

this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_

Notary Public: \_\_\_\_\_

Commission Expires: \_\_\_\_\_

### CORPORATION AFFIDAVIT

(I) (WE), Manuel Mario Guevara, being first duly sworn, depose and say that (I am) (we are) the President ☐ Vice President, and ☐ Secretary ☐ Asst. Secretary of the aforesaid corporation, and as such, have been authorized by the corporation to file this application for public hearing; and that said corporation is the ☐ owner ☐ tenant of the property described herein and which is the subject matter of the proposed hearing.

Attest: \_\_\_\_\_

\_\_\_\_\_  
(Corp. Seal)

Sworn to and subscribed to before me

this 16 day of OCTOBER, 2006.

\_\_\_\_\_  
Authorized Signature  
Managing Member

Notary Public

Commission Expires



### PARTNERSHIP AFFIDAVIT

(I) (WE), \_\_\_\_\_, being first duly sworn, depose and say that (I am) (we are) the partners of the hereinafter named partnership, and as such, have been authorized to file this application for public hearing; and that said partnership is the ☐ owner ☐ tenant of the property described herein which is the subject matter of the proposed hearing.

By \_\_\_\_\_ %  
By \_\_\_\_\_ %

\_\_\_\_\_  
(Name of Partnership)  
By \_\_\_\_\_ %  
By \_\_\_\_\_ %

Sworn to and subscribed to before me

this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_

Notary Public: \_\_\_\_\_

Commission Expires: \_\_\_\_\_

### ATTORNEY AFFIDAVIT

I, \_\_\_\_\_, being first duly sworn, depose and say that I am a State of Florida Attorney at Law, and I am the Attorney for the Owner of the property described and which is the subject matter of the proposed hearing.

Sworn to and subscribed to before me  
this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_

Notary Public: \_\_\_\_\_

Commission Expires: \_\_\_\_\_

\_\_\_\_\_  
Signature

## RESPONSIBILITIES OF THE APPLICANT

I AM AWARE THAT:

1. The Public Works Department, the Department of Environmental Resources Management (DERM), and other County agencies review and critique the zoning applications which may affect the scheduling and outcome of applications. These reviews may require additional public hearings before DERM's Environmental Quality Control Board (EQCB), and/or the proffering of agreements to be recorded. I am also aware that I must comply with any DERM or Public Works conditions and advise this office in writing if my application will be withdrawn.
2. Filing fees may not be the total cost of a hearing. Some requests require notices to be mailed to property owners up to a mile from the subject property. In addition to mailing costs, fees related to application changes, plan revisions, deferrals, re-advertising, etc., may be incurred. Applications withdrawn within 60 days of the filing are eligible for a refund of 50% of the hearing fee but after that time hearings withdrawn or returned will be ineligible for a refund. I understand that fees must be paid promptly.
3. The South Florida Building Code requirements may affect my ability to obtain a building permit even if my zoning application is approved; and that a building permit will probably be required. I am responsible for obtaining permits and inspections for all structures and additions proposed, or built without permits. And that a Certificate of Use and Occupancy must be obtained for the use of the property after it has been approved at Zoning Hearing, and that failure to obtain the required permits and/or Certificates of Completion or of Use and Occupancy will result in enforcement action against any occupant and owner. Submittal of the Zoning Hearing application may not forestall enforcement action against the property.
4. The 3<sup>rd</sup> District Court of Appeal has ruled that zoning applications inconsistent with the Comprehensive Development Master Plan (CDMP) cannot be approved by a zoning board based upon considerations of fundamental fairness. Therefore, I acknowledge that if the hearing request is inconsistent with the CDMP and I decide to go forward then my hearing request can only be denied or deferred, but not approved.
5. In Miami-Dade County v. Ominpoint Holdings, Inc., Case No. 3D01-2347 (Fla. 3<sup>rd</sup> DCA 2002), the 3<sup>rd</sup> District Court of Appeal has held invalid the standards for non-use variances, special exceptions, unusual uses, new uses requiring a public hearing and modification of covenants. This is not a final decision and the County Attorney's Office is seeking further review. In the interim, the County Attorney's Office is working with the Planning and Zoning Department's professional staff to develop new standards that will address the Court's concerns. While the new standards are being developed, applicants are advised that any non-use variance, special exception, unusual use, new use requiring a public hearing or request for modification of covenants granted under the existing standards are subject to being reversed in the courts. An applicant wishing to avoid the substantial legal risks associated with going forward under the existing standard may seek a deferral until the new standards are developed.
6. Any covenant to be proffered must be submitted to the Department's Legal Counsel, on County form, at least 1 month prior to the hearing date. The covenant will be reviewed and the applicant will be notified if changes or corrections are necessary. Once the covenant is acceptable, the applicant is responsible to submit the executed covenant with a current 'Opinion of Title' within 1 week of the hearing. Legal Counsel can advise as to additional requirements applicable to foreign corporations. Documents submitted to Legal Counsel must carry a cover letter indicating subject matter, application number and hearing date. Legal Counsel may be reached at (305) 375-3075.

(Witness Signature)

PATRICIA TEDESCHI

(Print Name)

(Witness Signature)

Jorge del Castillo

(Print Name)

(Applicant's Signature)

Manuel Mario Guevara

(Print Name)

(Applicant's Signature)

(Print Name)

Sworn and subscribed before me this 16 day of OCTOBER, 2006. Affiant is personally known to me or has produced \_\_\_\_\_ as identification.

My commission expires \_\_\_\_\_



(Notary Public)



### DISCLOSURE OF INTEREST\*

If the property which is the subject of the application is owned or leased by a CORPORATION, list the principal stockholders and the percentage of stock owned by each. [Note: Where the principal officers or stockholders consist of another corporation(s), trustee(s), partnership(s) or other similar entities, further disclosure shall be required which discloses the identity of the individual(s) (natural persons) having the ultimate ownership interest in the aforementioned entity].

CORPORATION NAME: Eureka Builders 184, LLC

<u>NAME, ADDRESS AND OFFICE</u>	<u>Percentage of Stock</u>
<u>Manuel Mario Guevara</u>	<u>50%</u>
<u>Luis Ayala</u>	<u>50%</u>
<u>1290 Weston Road, Suite 214</u>	
<u>Weston, FL 33326</u>	

If the property which is the subject of the application is owned or leased by a TRUSTEE, list the beneficiaries of the trust and the percentage of interest held by each. [Note: Where the beneficiary/beneficiaries consist of corporation(s), another trust(s), partnership(s) or other similar entities, further disclosure shall be required which discloses the identity of the individual(s) (natural persons) having the ultimate ownership interest in the aforementioned entity].

TRUST NAME: \_\_\_\_\_

<u>NAME AND ADDRESS</u>	<u>Percentage of Stock</u>

If there is a **CONTRACT FOR PURCHASE** by a Corporation, Trust or Partnership, list purchasers below, including principal officers, stockholders, beneficiaries or partners. [Note: Where the principal officers, stockholders, beneficiaries or partners consist of other corporations, trusts, partnerships or other similar entities, further disclosure shall be made to identify natural persons having ultimate ownership interests].

NAME OF PURCHASER: \_\_\_\_\_

NAME, ADDRESS AND OFFICE (if applicable)	Percentage of Interest
_____	_____
_____	_____

Date of contract: \_\_\_\_\_

If any contingency clause or contract terms involve additional parties, list all individuals or officers, if a corporation, partnership or trust.

\_\_\_\_\_

\_\_\_\_\_

**NOTICE:** For changes of ownership or changes in purchase contracts after the date of application, but prior to the date of final public hearing, a supplemental disclosure of interest is required.

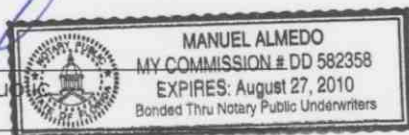
The above is a full disclosure of all parties of interest in this application to the best of my knowledge and belief.

Signature: \_\_\_\_\_

Manuel Mario Guevara

Sworn to and subscribed before me this 16 day of OCTOBER, 2006. Affiant is personally known to me or has produced \_\_\_\_\_ as identification.

My commission expires: \_\_\_\_\_



\*Disclosure shall not be required of: 1) any entity, the equity interests in which are regularly traded on an established securities market in the United States or another country; or 2) pension funds or pension trusts of more than five thousand (5,000) ownership interests; or 3) any entity where ownership interests are held in a partnership, corporation or trust consisting of more than five thousand (5,000) separate interests, including all interests at every level of ownership and where no one (1) person or entity holds more than a total of five per cent (5%) of the ownership interest in the partnership, corporation or trust. Entities whose ownership interests are held in a partnership, corporation, or trust consisting of more than five thousand (5,000) separate interests, including all interests at every level of ownership, shall only be required to disclose those ownership interest which exceed five (5) percent of the ownership interest in the partnership, corporation or trust.

**OWNERSHIP AFFIDAVIT  
FOR  
LIMITED LIABILITY COMPANY**

STATE OF Florida

Public Hearing No. \_\_\_\_\_

COUNTY OF Miami-Dade

Before me, the undersigned authority, personally appeared Manuel Mario Guevara, hereinafter the Affiant, who being duly sworn by me, on oath, deposes and says:

1. Affiant is the Managing Member of Eureka Builders 184 LLC, a Florida Limited Liability Company with the following address: 1290 Weston Road, Suite 214, Weston, FL 33326
2. The Limited Liability Company is the fee simple owner of the property which is the subject of the proposed hearing.
3. The Subject property is legally described as: see attached Exhibit "A"
4. Affiant understands this affidavit is subject to the penalties of law for perjury and the possibility of voiding of any zoning granted at public hearing.

**Witnesses:**

Signature \_\_\_\_\_

Print Name \_\_\_\_\_

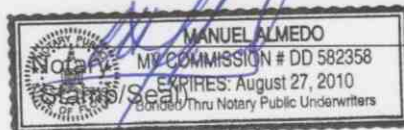
Signature \_\_\_\_\_

Print Name \_\_\_\_\_

Signature \_\_\_\_\_

Manuel Mario Guevara  
Print Name \_\_\_\_\_

Sworn to and subscribed before me on the 16 day of OCTOBER, 2006.  
Affiant is personally known to me or has produced \_\_\_\_\_ as identification.



Commission Expires: \_\_\_\_\_